

IN THE DRAWINGS:

Please amend Figures 1-5 as shown in the Replacement Sheets accompanying this response to include text identifiers.

REMARKS

Claims 1-2, 4-10 and 14-25 were examined by the Office, and in the Office Action of May 1, 2007 all claims are rejected. With this response claims 1, 7, 14, 16, 19, 21 and 25 are amended, and claim 10 is cancelled. All amendments are fully supported by the specification as originally filed.

Applicant respectfully requests reconsideration and withdrawal of the objections and rejections in view of the amendments and following discussion.

Drawings

In section 3, on page 2 of the Office Action, the drawings are objected to because there is a lack of descriptive text legends. Figures 1-5 are amended to include text legends as shown in the Replacement Sheets included with this response. The amendments to the figures find support at least from page 9, line 1—page 13, line 7 of the specification as originally filed. Therefore, no new matter is added. Accordingly, applicant respectfully requests withdrawal of the objection to the drawings.

Claim Objections

In sections 4-8, claims 8-10 and 21-25 are objected to as being improper dependent claims, and are treated by the Office as independent claims. Applicant respectfully submits that claims 8-9 and 21-25 are proper dependent claims because the claims refer back to and further limit another claim in the application. See 37 C.F.R. § 1.75(c). Claims 8-9 are proper dependent claims because they further limit claim 1 by requiring a software tool comprising program code for carrying out the method of claim 1. Claims 21-25 are proper dependent claims because they further limit claim 14 by requiring the limitations of claim 14 to occur in a system with the features recited in claims 21-25. Therefore, applicant respectfully requests that claims 8-9 and 21-25 be treated as dependent claims.

Claim Rejections Under § 101

Applicant respectfully submits that the rejection to claim 10 under 35 U.S.C. § 101 is moot in light of the cancellation of claim 10.

Claim Rejections Under § 112

In section 12, on page 4 of the Office Action, claim 16 is rejected under 35 U.S.C. § 112, second paragraph as being indefinite due to lack of antecedent basis. Claim 16 is amended to replace “network terminal device” with “mobile terminal device.” Accordingly, applicant respectfully submits that claim 16 as amended is definite, and contains proper antecedent basis.

Claim Rejections Under § 102

In section 15, on page 4 of the Office Action, claims 1-2, 4-10 and 14-25 are rejected under 35 U.S.C. § 102(b) as anticipated by Theimer et al. (U.S. Patent No. 5,493,692). Applicant respectfully submits that claim 1 is not disclosed or suggested by Theimer, because Theimer fails to disclose or suggest all of the limitations recited in claim 1. Theimer at least fails to disclose or suggest that a user profile is stored on a mobile terminal device and used by the mobile terminal device for the handling of push type e-mails according to a determined user profile status, as recited in claim 1.

In contrast to claim 1, Theimer discloses that a user profile is always used by a unique UserAgent for purposes of determining the processing of e-mail intended for that particular user. The UserAgent in Theimer is not arranged at the mobile terminal device, but instead is somewhere in the communication network. See Theimer column 9, lines 42-55. Theimer states that each user of the UserAgent manages information about a particular user, acting as the primary agent of customization of a user's applications with respect to their environment. The UserAgent may be a process that is running on some trusted computer or computers on the network. Theimer also states that persistent information about a user's preference is stored in a user profile that may be dynamically changed by changing the profile file. See Theimer column 9, line 54—column 10, line 5. In operation, the UserAgent starts at box 120 in Figure 4 by locating and reading the user profile and user calendar information of the identified user. Once initialization is performed, the user agent waits for an event to occur and then performs the appropriate action in response to the event. Therefore, the user profile is always used by a unique UserAgent (in the network and not in the terminal device) for purposes of determining the processing of e-mail intended for that particular user. Accordingly,

claim 1 is amended to clarify that the user profile is stored in the mobile terminal device, and that the user profile regarding the handling of push type e-mails is on the mobile terminal device, and not somewhere in the network. Therefore, for at least these reasons, claim 1 is not disclosed or suggested by Theimer, and applicant respectfully requests withdrawal of the rejection to claim 1.

The claims depending from claim 1, are also not disclosed or suggested by Theimer at least in view of their dependencies.

Independent claim 7 recites a method in which an email server is used for storing the user profile. Claim 7 is amended to specify that the email server stores a plurality of user profiles regarding a plurality of users. In contrast to claim 7, the UserAgent discussed in Theimer is responsible for determining the status of a user profile so as to determine what actions should be taken with respect to an email intended for the user corresponding to that user profile. Therefore, Theimer at least fails to disclose or suggest storing on the server at least one user profile related to each of a plurality of mobile terminal devices, each user profile regarding the handling of push type e-mails destined for one of the plurality of mobile terminal devices, as recited in claim 7.

The claims depending from claim 7, are also not disclosed or suggested by Theimer at least in view of their dependencies.

Independent claims 14 and 19 contain limitations similar to those recited in claim 1, and therefore are not disclosed or suggested by Theimer for at least the reasons discussed above in relation to claim 1.

The claims depending from claims 14 and 19, are also not disclosed or suggested by Theimer at least in view of their dependencies.

Conclusion

It is therefore respectfully submitted that the present application is in condition for allowance and such action is earnestly solicited. The Commissioner is hereby authorized to charge to Deposit Account No. 23-0442 any fee deficiency required to submit this paper.

Respectfully submitted,

Dated: 4 September 2007

WARE, FRESSOLA, VAN DER
SLUYS & ADOLPHSON LLP
Building Five, Bradford Green
755 Main Street, P.O. Box 224
Monroe, CT 06468
Telephone: (203) 261-1234
Facsimile: (203) 261-5676
USPTO Customer No. 004955


Keith R. Obert
Attorney for Applicant
Registration No. 58,051

APPENDIX